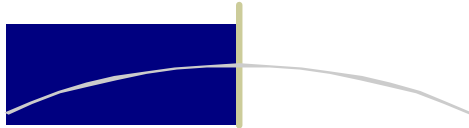
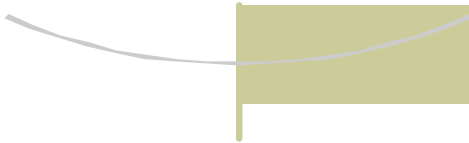


**United States Bankruptcy Court
Central District of California**



efile



**MOTION FOR
RELIEF FROM STAY
PROCEDURES**

January 2006

MOTION FOR RELIEF FROM STAY PROCEDURES

A. Overview

eFile, the electronic court document filing system for the United States Bankruptcy Court for the Central District of California, enables registered users to electronically file Motions for Relief From Stay with the Court from their computers. Submission of motions is a three-step process: (1) preparing and submitting the proposed motion on-line, (2) serving the approved proposed motion, and (3) uploading the executed Proof of Service to officially file the motion electronically.

B. Preparing the Proposed Motion

1. Prior to preparing your proposed motion, obtain calendar hearing dates and times via the Court's Self-Calendaring System. You can obtain self-calendaring information for all judges in the Central District of California from the Court's web site.

NOTE: *eFile* Motions for Relief From Stay on shortened notice can only be submitted for those judges who do not require an Application and Order for Shortened Time. Please refer to the self-calendaring instructions.

- a. From your web browser, go to **<www.cacb.uscourts.gov>**.
 - b. Select ***Procedures/Rules/Forms → Self-Calendaring System***.
 - c. Select a judge from the list of judges and check for available dates and times. **Be sure to note the courtroom number and floor number as these two items are required for the proposed motion.**
 - d. The following is a list of Motions for Relief From Stay that may be electronically filed:
 - (i) F 4001-1M.PP - Personal Property
 - (ii) F 4001-1M.RP - Real Property
 - (iii) F 4001-1M.UD - Unlawful Detainer
2. After obtaining calendar information, go to the Court's home page. Select ***Electronic Services → eFile***, and log in using your ***username*** and ***password***.

3. From the *eFile* Main Menu, select the **desired motion type** from the drop-down File Options menu. (See circle **A** in Figure 1 below.)

Wednesday, November 16, 2005
United States Bankruptcy Court - Central District of California

eFile USB Home eFile Home FAQs Procedures Log Out

MAIN MENU

Filing Options:
Motion for Relief - Personal Property (A)

Division:
Los Angeles (B)

Case Type: Bankruptcy (C)

Case Number: 05-11094 (Example 00-12345)
Create New Document Reset

INCOMPLETE DOCUMENTS Motions
PENDING PROOF OF SERVICE Motions

UPDATE MY REGISTRATION!
CHANGE MY PASSWORD
AUTHORIZATION REQUEST FORM

DOCUMENT HISTORY
RECEIPTS

Log Out

Figure 1

4. From the drop-down Division menu, select the **division** where the bankruptcy case in which you are filing your motion is pending. (See circle **B** in Figure 1 above.)
5. Enter the **case number** following the example format. (See circle **C** in Figure 1 above.) Click on **Create New Document**, or press **<Enter>**.

NOTE: If an error was made when entering the case number, click on **Reset** to remove all information entered in the Case Number field; then re-enter the **correct case number** and click on **Create New Document** or press **<Enter>**.

6. Your selected motion form will appear on the screen.

NOTE: Certain form fields will be automatically populated with information from the Court's Case Management System (CMS) and your *eFile* registration.

7. Enter the **hearing date** and **time** you obtained from the Court's Self-Calendaring System. (Date Format: 01/21/2005.)

NOTE: The time is defaulted to 8:00 A.M. Change as necessary.

8. Enter the **courtroom number** and **floor** of the judge assigned to the case.
9. Enter the **name of the movant** in the field below the motion caption. (See circle **A** in Figure 2 below.) Continue to complete the motion by clicking on the **<Page>** tabs to move from page to page. (See circle **B** in Figure 2 below.)
10. Enter all necessary information as you would for a manually completed Motion for Relief From Stay.
 - a. Property at Issue:
 - (1) **Personal Property** - Enter the **property description**. The text limit in this field is 35 characters. (See circle **C** in Figure 2 below.)

Figure 2

- (2) **Real Property**
 - (a) Either:
 - 1) Enter the **street address, apartment/suite number, city, state, and Zip Code**, if applicable in section 1a - "The Property at Issue." (See circle **A** in Figure 3 on page 4.) An example for vacant land would be:

Street address: Corner of Highway 39 at Route 12

City: Lancaster, California, or,

- 2) In section 1b, enter the **legal description or document recording number** including county of recording: Indicate which item is referenced and include the **county and state**. (See circle **B** in Figure 3 below.) A maximum of 256 characters may be entered in this field. If your entry exceeds this amount, a warning dialog box will appear.

NOTE: Do not enter “See attached” in this field.

The screenshot shows a legal form titled "MOTION FOR RELIEF FROM THE AUTOMATIC STAY (MOVANT:)" with a header bar containing page numbers (Page 2 to Page 10) and a "Save Draft Motion" button. The form includes a header section with "In re: Jo Doe Zeldan" and "Debtor(s):" followed by a table with "CHAPTER: 7" and "CASE NUMBER: LA05-24783SB". Below the title, there is a section for "Movant Name on Real Property Motion for Relief from Automatic Stay". The main body of the form is divided into three parts: 1. "The Property at Issue: Movant moves for relief from the automatic stay with respect to following real property (the 'Property'):" which includes sub-sections a, b, and c. Sub-section a contains fields for "Street Address:" (2345 Test Street), "Apartment/Suite No.:", and "City, State, Zip Code:" (Anytown, CA 90001). Sub-section b contains a large text area for "Legal description or document recording number (including county of recording): (maximum of 256 characters)" with the text "Legal Description: Lot 37 of Tract 41358 of the Platt Subdivision Alpha, in the City of Los Angeles, County of Los Angeles, State of California as per maps recorded in Book 7, Pages 9-10 in the County Recorder for said County". Sub-section c contains a checkbox labeled "See attached continuation page." and a "C" in a circle. Circles A, B, and C are overlaid on the form to highlight specific areas: Circle A is on the "Street Address" field, Circle B is on the "Legal description" text area, and Circle C is on the "See attached continuation page." checkbox.

Figure 3

- (b) **(Optional)** Check the box in section 1c labeled “Legal description of the property is page 1 of attached exhibit”. (See circle **C** in Figure 3 above.)

NOTE: If you choose this option, the full legal description of the subject property **must** appear as page 1 of your Portable Document Format (PDF) file as shown in Figure 4 on page 5. See step 11 on page 6 for more information on legal property attachments.

<p><u>Exhibit A</u></p> <p>Lot 7887 of Tract 38283 in the City of Testing, County of Testing, State of California, as shown by map on file in Book 384838 pages 599-969. Records of Testing County, California</p>
--

Figure 4

- (3) **Unlawful Detainer** - Enter the **street address, apartment/suite number, city, state, and Zip Code**. (See Figure 5 below.)

F4001-1MUD Page 2 Page 3 Page 4 Page 5 Page 6 Page 7		Save Draft Motion
In re: Jo Doe Zeldan	Debtor(s):	CHAPTER: 7 CASE NUMBER: LA05-247B3SB
<p>MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR FOR ORDER CONFIRMING THAT THE AUTOMATIC STAY DOES NOT APPLY (Unlawful Detainer)</p> <p>(MOVANT: _____)</p>		
<p>1. The Property at Issue: Movant moves for relief from the automatic stay to obtain possession of the residential or nonresidential premises at the following address (the "Property"):</p> <p>Street: _____</p> <p>Apartment/Suite no.: _____</p> <p>City, State, Zip Code: _____</p> <p>The Property is: <input type="checkbox"/> Residential <input type="checkbox"/> Nonresidential</p>		
<p>2. Case History:</p> <p>a. <input type="checkbox"/> A voluntary <input type="checkbox"/> An involuntary petition under chapter _____ was filed on (specify date): _____</p> <p>b. <input type="checkbox"/> An Order of Conversion to Chapter _____ was entered on (specify date): _____</p>		

Figure 5

c. Declarant's Name

Enter the **Declarant's name** on the Declaration page. This entry will also appear on the last page of the motion in the **Print Declarant's Name** field. (See Figure 6 below.)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on [] at [], [] (city, state).

[]
Print Declarant's Name

Signature of Declarant

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California.
Revised October 2005 F 4001-1M.RP

Figure 6

11. Any exhibits attached to the proposed motion must be submitted in a PDF file. To convert word processing documents to PDF or to scan documents to PDF, you are required to have Adobe Acrobat Writer software (version 4.0 or 5.0 **only**) installed on your computer.
 - a. If you are using Adobe Acrobat 6.0 (or higher), you must reduce the file size to be compatible with 5.0 by following the steps below.
 - (1) Click on **File**, and select **Reduce File Size → Compatible with 5.0 or higher**.
 - (2) Click on **OK**, and save the document.

NOTE: All attachments must be contained in one PDF file and the PDF file size **may not exceed 2.5** mega bytes.
12. After entering all the information, you may either **Save Draft Motion** or submit the proposed motion for verification by clicking on **Submit**.

13. It may take a few minutes to complete the process. A message confirming your submission will appear on your screen. Print and save the confirmation for future reference. (See Figure 7 below.)

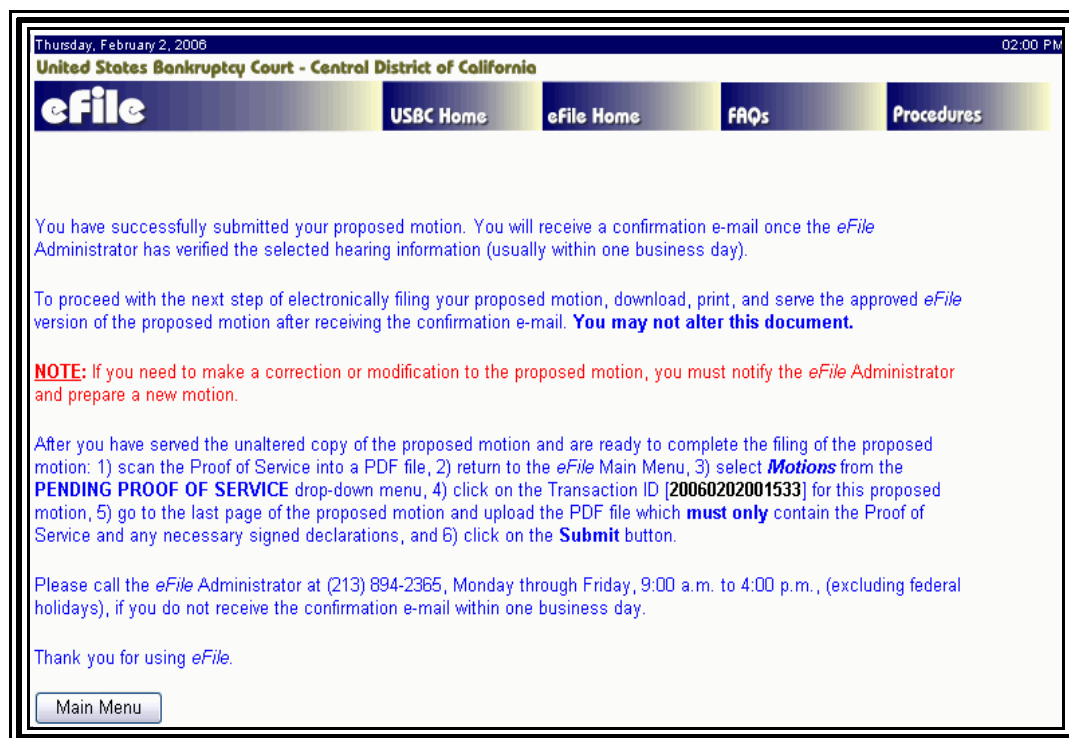


Figure 7

NOTE: If you fail to receive a confirmation screen, please contact *eFile* Support for assistance.

A "FORM PROCESSED" message does not signify your document was received by the court. Please contact *eFile* Support and verify the document was received.

C. Serving the Proposed Motion

1. After the Court processes your proposed motion, you will receive an e-mail containing a link to your proposed motion. Click on the ***“click here for motion information”*** link to view your motion. (See Figure 8 below.)

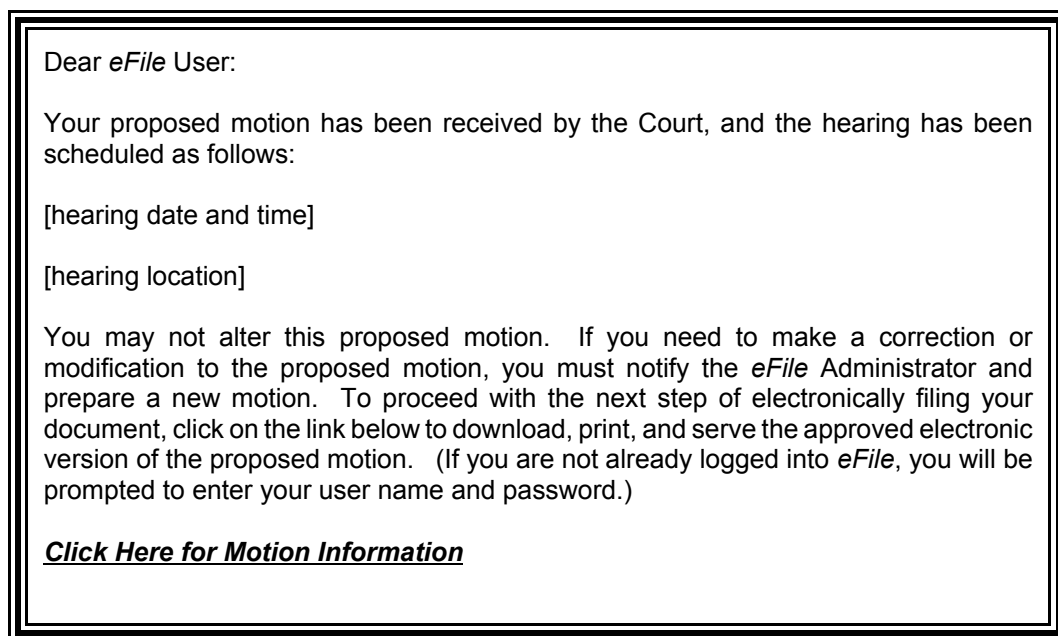


Figure 8

2. If the link is not operational or if you delete the e-mail by mistake, you may access your proposed motion by returning to the eFile Main Menu and clicking on ***DOCUMENT HISTORY***. When the Status Transaction ID screen appears, click on ***Proposed***. (See Figure 9 below.)

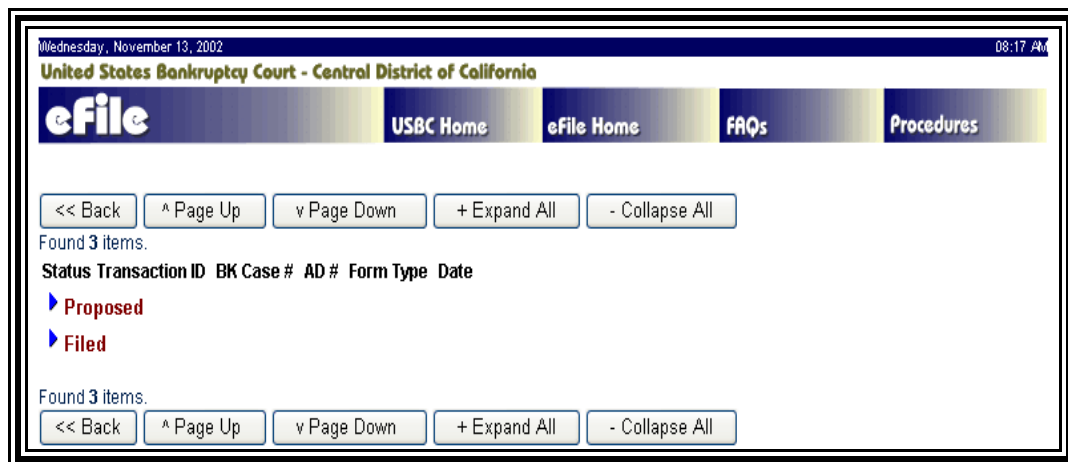


Figure 9

You will see a list of your proposed motions in order by Transaction ID number. (See Figure 10 below.)

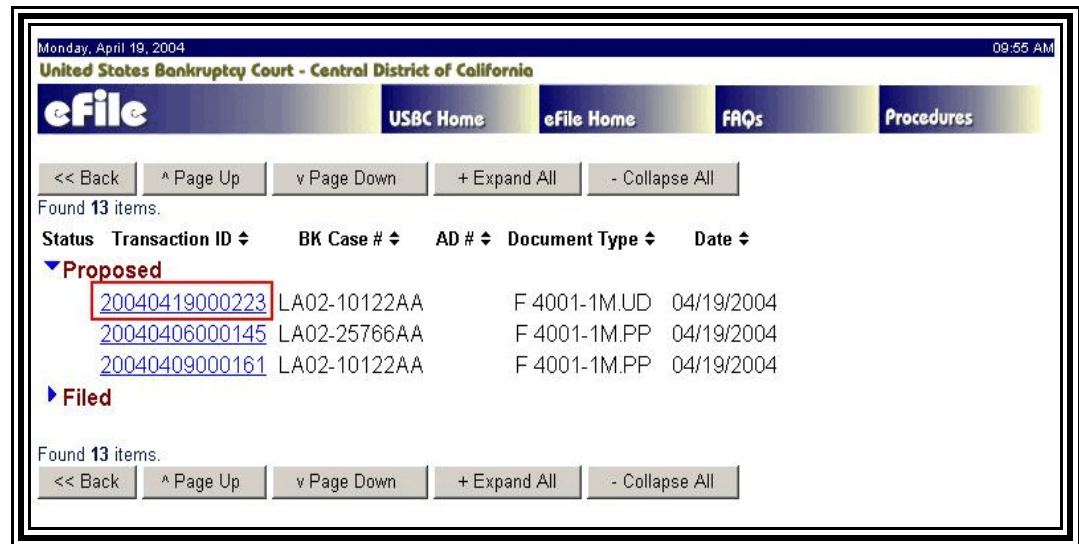


Figure 10

- Download, print, and serve the proposed motion as required by Local Bankruptcy Rules 7004-1(b) and 9013-1(a)(6).

NOTE: The proposed motion you download and print from the e-mail becomes the Motion of Record. Therefore, you must serve this motion without modification. If you need to make a correction or modification to the proposed motion, refer to the steps outlined in Section E, "Modifying a Motion Previously Submitted but not Yet Filed," on pages 10-11.

D. Filing the Proposed Motion

Once you have served the proposed motion on the appropriate parties, submit your Proof of Service to complete the filing of the proposed motion. The Proof of Service may be obtained from the fillable forms available on the Court's web site or from the eFile Procedures Menu. The Proof of Service must be scanned into a PDF file in order for the Court to accept the filing as the Declarant's holographic signature is required.

NOTE: If there is a signed Declaration on the original electronic motion, please include the signature page (page 9 - Personal Property, page 10 - Real Property, and page 7 - Unlawful Detainer) with your Proof of Service PDF file. The declaration should be placed before the proof of service page.

1. Go to the *eFile* home page and log in.
2. From the *eFile* Main Menu, click on **PENDING PROOF OF SERVICE**. (See Figure 1 on page 2.) A list of proposed motions will be shown in order by Transaction ID number. (See Figure 10 on page 9.) Click on the **Transaction ID number** that matches the number on the confirmation e-mail.
3. Click on the last page tab of the motion. Go to the bottom of the page and upload the Proof of Service PDF file (along with any signed Declaration as indicated in the beginning of this section).
4. Please read the **Warning!** section on the last page of the motion for information regarding the filing of the motion.
5. Click on **Submit Motion**, then click on **OK** to process the fee. Your credit card will be charged, and the filing will be complete.
6. You will receive a Filed Motion Notification e-mail within one business day. Click on the **link** contained in this e-mail to download and print your motion.

NOTE: If you are not already logged in to *eFile*, you will be prompted to enter your **username** and **password**.

This document is your conformed copy of the filed motion. The link will be available for the next five business days. After that time, you may locate the filed motion in webPACER.

In the event that the link is not operational or if you delete the e-mail by mistake, you may access your filed document by returning to the *eFile* Main Menu and clicking on **DOCUMENT HISTORY**. When the Status Transaction ID screen appears, click on **Filed**. (See Figure 9 on page 8.)

Locate your Filed Motion by the Transaction ID number and click on the link to open, print and/or save the motion. (See Figure 11 on page 9.)

E. Modifying a Motion Previously Submitted but Not Yet Filed

Occasionally, you may have a need to modify a submitted motion that has not yet been filed. This can happen if the signed Declaration from your client is not received on a timely basis thus causing the selected hearing date to be incorrect. You can modify information on the motion, as well as the hearing date, by following the steps below.

1. Click on **PENDING PROOF OF SERVICE**. A list of proposed motions will appear in sequential order based on the assigned Transaction ID number.

2. Click on either the **Transaction ID number** or the **case number** that you would like to modify.
3. On the first page of the motion, click on **Create New Motion**. (See top-right corner in Figure 11 below.)

F 4001-1M.PP | Page 2 | Page 3 | Page 4 | Page 5 | Page 6 | Page 7 | Page 8 | Page 9 | [Create New Motion](#) | [Exit](#)

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number
 Efile Tester Bar ID:55555
 My Law Firm
 1234 Test Drive
 Los Angeles CA 90012
 Telephone # 213-894-1234 Fax # 213-894-1223

☐ Individual appearing without counsel
☒ Attorney for Movant

UNITED STATES BANKRUPTCY COURT
 CENTRAL DISTRICT OF CALIFORNIA

In re: Joe Public

Debtor(s):
 Trustee:

CHAPTER: 11
 CASE NO.: LA05-99990AA
 DATE: 06/20/2014
 TIME: 08:00 AM
 CTRM: 1375
 FLOOR: 13th

NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY
 UNDER 11 U.S.C. § 362 (with supporting declarations)
 (MOVANT: Quick Test)
 (Personal Property)

Figure 11

4. A warning message will appear prompting you to either go forward with the modification by clicking on **OK** or abort the action by clicking on **Cancel**. (See Figure 12 below.)

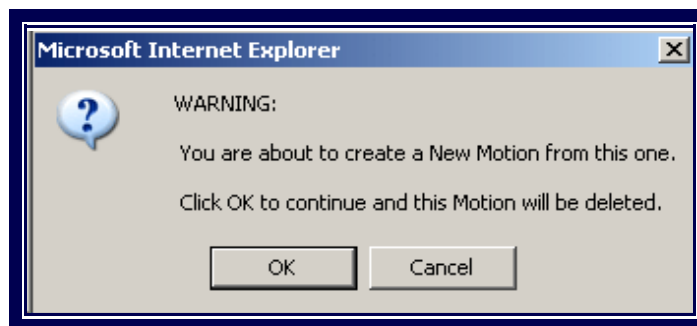


Figure 12

5. If you choose **OK**, the same motion will appear; however, you will now have the ability to edit the fillable fields.

NOTE: You must re-enter the hearing date, time and location as these fields are now blank.

6. Proceed with steps 7-13 on pages 2-7 to re-submit your modified motion. Print and save the confirmation message that appears at the end of your submission.

F. Post Relief From Stay Filing Information

1. Submission of courtesy copies to chambers is **not** required. Filing electronically fulfills your courtesy copy requirement as stated in Local Bankruptcy Rule 9013-1(a)(8).
2. Unless otherwise ordered by the presiding judge, you will **not** be required to submit a Proposed Form of Order and stamped addressed envelopes.
3. If you do not receive a conformed copy of the entered order within five business days, contact the Courtroom Deputy of the presiding judge.